

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the County of Los Angeles for the construction of the grade separation of Lost Canyon Road over the Southern California Regional Rail Authority's mainline Crossing No. VY-39.51 in the unincorporated County of Los Angeles.

Application 01-06-013
(Filed June 11, 2001)

O P I N I O N**Summary**

County of Los Angeles (County) requests authority to construct an overhead grade separation bridge structure at Lost Canyon Road over the Southern California Regional Rail Authority's (SCRRA) Metrolink commuter rail main line tracks in an unincorporated County area east of the City of Santa Clarita, Los Angeles County. Union Pacific Railroad Company also operates freight service on this line

Discussion

Saugus Colony, Limited (Colony), a private developer, owns and is developing lands encompassed by Vesting Tentative Tract Map No. 45023, dated March 1, 2001, which adjoins the site of the proposed Lost Canyon Road overhead grade separation bridge structure. California State Route 126 abuts the lands encompassed by Tract Map No. 45023.

Colony proposes the development of 752 condominium dwelling units on the 46.2 acres of existing vacant land located south from and along the Santa Clara River, and east from the Antelope Valley Freeway, near the City of Santa Clarita, Los Angeles County.

Colony, among other items, is required under the provisions of Title 21, Subdivisions, and the Los Angeles County Code, to construct new roadway improvements on Lost Canyon Road to provide proper access to land being subdivided under Tract Map No. 45023.

Lost Canyon Road is proposed as a local arterial located in the northwestern section of Los Angeles County east of the City of Santa Clarita. It will provide access to the adjacent proposed residential development north of the proposed grade separation bridge structure comprising of 23 lots with 752 condominium units and one open space lot. Similar residential development is also proposed to the south of the proposed grade separation bridge structure.

The proposed grade separation is needed to provide a direct route for the estimated 6,000 vehicles that will use the overpass daily. Lost Canyon Road, upon being developed to its ultimate condition under the Los Angeles County Highway Plan with its connection to Sand Canyon Road, is projected to carry 30,000 vehicles per day.

County is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Section 21000 et seq. The County's Department of Regional Planning prepared a Draft Environmental Impact Report (EIR). The Draft EIR was published and circulated for the Colony project in December 1993. A Los Angeles County

Regional Planning Commission hearing was held on February 9, 1994 to review the proposed project and Draft EIR, and to provide an opportunity for public testimony. During the hearing, the Regional Planning Commission recommended approval of Vesting Tentative Tract 45023 to allow development of 23 multi-family lots with 752 units, and one open space lot on 46.2 acres of vacant land.

A Notice of Determination was filed with the State Secretary of Resources – Office of Planning and Research on December 6, 1994. The County found that (1) the project will not have a significant impact on the environment, (2) an EIR was prepared for this project under the provisions of CEQA, (3) mitigation measures were made a condition of approval of the project, (4) a Statement of Overriding Consideration was not adopted for this project, and (5) findings were made pursuant to the provisions of CEQA.

The Commission is a responsible agency for this project under CEQA. CEQA requires that the Commission consider that portion of the environmental consequences of a project within its area of expertise that is subject to its discretionary approval. In particular, to comply with CEQA, a responsible agency must consider the lead agency's EIR or Negative Declaration prior to acting upon or approving the project (CEQA Guideline Section 15050 (b)). The specific activities that must be conducted by a responsible agency are contained in CEQA Guideline Section 15096.

The Commission has reviewed the County's environmental documents. The environmental analysis included an evaluation of potential impacts related to geotechnical hazards, flood hazards, noise, air quality, biology, visual, traffic, sewage disposal and solid waste disposal. Safety and security, transportation and noise are within the scope of the Commission's permitting process.

No potential environmental impacts were identified in the environmental documents related to safety and security. Noise impacts were identified relative to certain housing units, and general noise impacts associated with temporary construction activity. Mitigation measures including the use of upgraded second-story windows and construction materials, the construction of sound walls, and construction procedures were adopted to reduce the noise impacts to acceptable level standards and to less-than-significant levels.

Traffic and access impacts were identified at two specific intersections. Mitigation measures involving several lane conversions were adopted to reduce the impacts to less-than-significant levels.

Under the mitigation and monitoring program, implementing the various adopted mitigation measures is the responsibility of the Department of Public Works, the California Department of Transportation and the Los Angeles County Department of Regional Planning.

We find that the County adopted feasible mitigation measures to eliminate or substantially lessen the above-identified environmental impacts to less-than-significant levels. The Lost Canyon Road grade separation is one of the mitigation measures for the Colony development project that will (1) eliminate auto/train and pedestrian/train conflicts, (2) reduce emissions at crossing because vehicles will not have to wait for trains to pass, (3) enhance traffic circulation pattern, and (4) enhance traffic capacity and emergency vehicle access.

The site of the project has been inspected by the Commission's Rail Safety and Carrier Division — Rail Crossings Engineering Section staff. Staff examined the need for and the safety of the proposed overhead grade crossings and related railroad construction and recommends that the application be approved.

The application was found to be in compliance under the Commission's filing requirements, including Rule 38 of the Rules of Practice and Procedure, which relates to the construction of a public road, highway, or street across a railroad. A site map of the grade crossings is as shown on plans attached to the application and Appendix A.

In Resolution ALJ 176-3065, dated June 14, 2001, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. Since no hearings were held, this preliminary determination remains accurate. The Commission's Rail Safety and Carriers Division recommends that this application be granted. Given these developments, public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3065.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day effective period for public review and comment is being waived.

Findings of Fact

1. Notice of the application was published in the Commission Daily Calendar on June 13, 2001. No protests have been received. A public hearing is not necessary.
2. County requests authority, under Public Utilities Code Sections 1201-1205, to construct the Lost Canyon Road Overhead grade separation bridge structure over SCRRA's main line tracks in an unincorporated area east of Santa Clarita in Los Angeles County.

3. The Lost Canyon Road Overhead grade separation will serve public need by providing a safe access route over the railroad tracks.
4. Public convenience, necessity and safety require the construction Los Canyon Road Overhead grade separation bridge structure.
5. County is the lead agency for this project under CEQA, as amended.
6. On February 9, 1994, the Los Angeles County Regional Planning Commission recommended approval of Vesting Tentative Tract 45023 to allow development of 23 multi-family lots with 752 units, and one open space lot on 46.2 acres of vacant land.
7. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's Draft EIR, Final EIR, and Notice of Determination in accordance with CEQA Guideline Section 15086.
8. The lead agency environmental documents evaluated a number of potential environmental impacts associated with the project. Safety, security, transportation and noise are within the scope of the Commission's permitting process.
9. The lead agency environmental documents identified no environmental impacts related to safety and security.
10. With respect to noise and traffic impacts resulting from the project, we find that the lead agency adopted feasible mitigation measures to reduce the impacts to less-than-significant levels.
11. The Lost Canyon Road grade separation project is itself one of the mitigation measures for the Colony development project that will (1) eliminate auto/train and pedestrian/train conflicts, (2) reduce emissions at crossing because

vehicles will not have to wait for trains to pass, (3) enhance traffic circulation pattern, and 4) enhance traffic capacity and emergency vehicle access.

Conclusions of Law

1. This order should be effective immediately as County wishes to commence construction of the project at the earliest possible date to avoid construction during the rainy season.
2. The application should be granted as set forth in the following order.

O R D E R**IT IS ORDERED** that:

1. County of Los Angeles (County) is authorized to construct Lost Canyon Road Overhead grade separation bridge structure, identified as Crossing No. 101VY-39.51-A over the main line tracks of the Southern California Regional Rail Authority (SCRRA).
2. Clearances shall be in accordance with General Order (G.O.) 26-D. Walkways shall conform to G.O. 118. Walkways adjacent to any trackage subject to rail operations shall be maintained free of obstructions and shall be promptly restored to their original condition in the event of damage during construction.
3. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into between parties. A copy of the agreement, together with plans of the project approved by SCRRA, shall be filed with the Commission by County prior to construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

4. Within 30 days after completion of the work under this order, County shall notify the Commission in writing that the authorized work was completed.

5. This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

The application is granted as set forth above.

6. Application 01-06-013 is closed.

This order is effective today.

Dated _____, at San Francisco, California.



